

Message

From: Bunker, Kelly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C8F3C85BD0A44357B9942546108CAF4C-KBUNKER]
Sent: 10/10/2017 4:06:08 PM
To: McGurk, Tracey [tmcgurk@pa.gov]
Subject: RE: PCB's

Hi Tracey – See my responses in bold below.

From: McGurk, Tracey [mailto:tmcgurk@pa.gov]
Sent: Wednesday, October 04, 2017 3:39 PM
To: Bunker, Kelly <Bunker.Kelly@epa.gov>
Subject: FW: PCB's

Hi Kelly,

I got the below email and before I respond want to make sure I'm not misspeaking. See red below

I believe that the issue with the >2ppm PCB is that for use at a beneficial use site, that it placing PCBs in commerce and not allowed.

Is permitted site mean a lined landfill?

First, the PCB regulations allow that if a generator of PCB remediation waste submits and receives approval of a cleanup plan under the provisions of 761.61(a) then they can dispose of PCB remediation waste with PCB concentrations of 2 ppm to 49 ppm PCBs in a Subtitle D landfill. The beneficial use permitted sites in PA are not Subtitle D landfills and therein lies the problem.

Secondly, the PCB regulations prohibit the distribution in commerce for use of PCBs at any concentration. The PCB regulations define the quantifiable level as 2 ppm and would be the concentration above which distribution in commerce for use is prohibited. In order to comply with the federal PCB regulations,, the PA Beneficial Use Permitted facilities must only accept materials containing less than 2 ppm of PCBs.

Is anyone calling you about these? **No**

Tracey McGurk | Facilities Supervisor
Department of Environmental Protection | Waste Management Program
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From: Donna Pantaleo [mailto:donnap@samboney.com]
Sent: Wednesday, October 04, 2017 3:31 PM
To: Gombeda, Michael <migombeda@pa.gov>; McGurk, Tracey <tmcgurk@pa.gov>; Ritter, Dean <dearitter@pa.gov>
Cc: 'Joseph Walkowiak' Personal Email / Ex. 6
Subject: PCB's

Good Afternoon,

With the current issues regarding PCB's in material, my multiple conversations with the USEPA regional reps have basically concluded that material/sites indicating levels less than 50 mg/kg PCB's are non-TSCA. Further information

indicated that material with PCB's less than 2 mg/kg are unrestricted; while material with levels between 2 mg/kg and 50/mg/kg should go to a permitted facility with DEP oversight. This means a lined subtitle D landfill. I would like to confirm you agree with the above mentioned statements.

Based on this information, is it safe to assume that non-TSCA material with levels below the Regulated Limits published in the Management of Fill Policy as regulated and above 2 mg/kg would be acceptable as "Regulated Fill"? This may still be prohibited by EPA as the material is not going to a permitted disposal site. The beneficial use of this material places PCBs in commerce, which is prohibited.

I would appreciate any and all assistance you can offer so that I can properly look at future projects and stay in compliance with the PADEP. Should you have any questions from me, please contact me. Thank you as always for your continuous assistance with my goal to stay in compliance with the **current regulations**.

Sincerely,

Donna Pantaleo

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